

In the Office Action, claims 1-28 were rejected. Applicants strongly believe that the instant claims are patentable in their present form and respectfully request that the Examiner reconsider and substantively allow all pending claims.

In the Office Action, the Examiner objected to claims 1-28 under the doctrine of obviousness-type double patenting. Specifically, the Examiner contends that the instant claims are unpatentable in view of claims 1-44 of co-pending Application No. 09/199,506. Applicants respectfully disagree with the Examiner's analysis. Nevertheless, Applicants would be willing to consider a terminal disclaimer in compliance with 37 CFR 1.321(c) upon resolution of the other issues surrounding the instant claims. Accordingly, Applicants respectfully request that discourse surrounding the double patenting rejection be postponed until the pendent issues are resolved.

In the Office Action, claims 1-28 were rejected under 35 U.S.C. §102(e) as being anticipated by Jago et al. (5,938,607). Applicants respectfully traverse the rejection. Applicants note that claim 5 has been amended to correct a minor typographical error (absence of the word "to").

A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicants respectfully assert that that Examiner has misunderstood the teachings of the Jago et al. reference. The Jago et al. reference generally relates to techniques for *treating* or *diagnosing patients* in contrast with the instant claims that generally relate to *servicing medical diagnostic systems*. Additionally, Jago et al. fail to recite each limitation of the instant claims and as such cannot support a valid 102 rejection.

Claim 1 recites, *inter alia*, “a *field service unit* configured to *generate service requests* identifying a standard service function from a plurality of service functions and a unique identifier for the medical diagnostic station.” The cited passages of Jago et al. that the Examiner has employed to support her rejection fail to disclose these elements. The Examiner’s first cited passage, relating to element 100 of Figure 1, does not disclose any sort of a field service unit. Element 100 is a browser designed merely to view HTML pages. The browser, as disclosed by Jago et al. at column 6; lines 7-19, is similar to those placed on personal computers for the purpose of viewing web pages. There is no suggestion that the browser is in any way a “field service unit.” Additionally, the Examiner’s second cited passage, located at column 9, lines 17-30, simply discloses a “pager service” designed to contact on call physicians. This feature of Jago et al. is solely designed to facilitate the *treatment* of a *patient* and fails to disclose any semblance of a *field service unit*. The Examiner’s final cited passage, located at column 9, lines 65-67, merely discloses an image library which is accessed via the browser. This element, again, relates to the *treatment* of *patients* and fails to disclose any sort of field service unit. Because the Jago et al. reference fails to disclose all of the elements of claim 1, the Jago et al. reference fails to anticipate the claim. Therefore, independent claim 1 and its dependent claims 2-7 are believed to be patentable over the Jago et al. reference.

Regarding claims 2-7, the Applicants stress that these claims are patentably distinct by way of their dependency to independent claim 1 and by way of further unique features recited in each respective claim. For example, claims 2 and 7 each recite a “plurality of service functions” and these recitations are patentably distinct from the “reference image library 400” that the Examiner has cited as being anticipatory. The “reference image library 400” of Jago et al. relates to *patient information* and as such cannot buttress a 102 rejection of the instant claims. Thus, claims 2 and 7 are not anticipated Jago et al.

Turning to claim 3, the Jago et al. reference, through various passages cited by the Examiner, merely describes the transmission of manually inputted e-mail messages for the purpose of *diagnosing patients*. There is no suggestion in Jago et al. of a “*field service unit* configured to transmit [a] *service request* via an electronic message to the *service facility*.” Thus, Jago et al. do not anticipate claim 3.

The Examiner’s rejection of dependent claim 4 also fails to find support within the Jago et al. reference. Claim 4 recites, *inter alia*, “[a] service facility . . . configured to verify the consistency between components of the *service requests* received from the *field service unit*.” The Examiner’s citation to column 4; lines 9-31 fails to support the rejection because the cited passage merely discloses the foundational underpinnings of how data is transmitted over the Internet. There is no disclosure in the Jago et al. reference that would anticipate the patentably distinct features of dependent claim 4. Thus, Jago et al. do not anticipate claim 4.

With reference to claim 5, the Examiner has again referenced the “local reference image library” as anticipating the instant claim. As stated above, the “local reference image library” of Jago et al. relates to *patient information* and fails to anticipate a “database for storing *historical service data* for the diagnostic station, . . . wherein the service facility is configured to access the historical service data for response to the *service request* from the *field service unit*,” as recited in claim 5. There is no disclosure in Jago et al. that would anticipate the patentably distinct features of dependent claim 5. Thus, Jago et al. do not anticipate claim 5.

Turning to the Examiner’s final specific rejection, the Examiner again contends that the act of accessing a library of reference ultrasonic images for the purposes of *diagnosing patients* anticipates dependent claim 6. As stated above, the reference libraries of Jago et al. are merely tools for *treating patients* and fail to anticipate the patentable elements of claim 6. Specifically, there is no suggestion in the Jago et al.

reference of a "*service facility* configured to receive the *service request*, access the data from the *diagnostic system* and transmit the data to the *field service unit automatically without operator intervention*." Thus, Jago et al. do not anticipate dependent claim 6.

The Examiner, based upon her arguments presented in rejecting claims 1-7, summarily rejected independent claim 8 as well as its dependent claims 9-15. Claim 8 recites, *inter alia*, "*a field service unit* configured to be coupled to the *automated service facility* via a network link, to generate *service requests*, and to transmit the service requests to the *automated service facility*, each *service request* including identification of a predefined service function and an identification of at least one medical diagnostic station." As stated above in support of claim 1, the Jago et al. reference fails to teach, suggest or disclose any sense of a *field service unit* that *generates service requests*. As such, the Jago et al. reference fails to anticipate claim 8. Applicants also contend that dependent claims 9-15 are patentably distinct by way of their dependency from independent claim 8 and by way of further unique features recited in each respective claim. Thus, independent claim 8 and its respective dependent claims 9-15, are believed to be patentable over the Jago et al. reference.

The Examiner again, based upon her arguments presented in rejecting claims 1-7, summarily rejected claims 16-28. Of the rejected claims, claim 16 is an independent claim supporting dependent claims 17-22; and claim 23 is an independent claim supporting claims 24-28.

Claim 16 recites, *inter alia*, "*composing a service request on a field service unit*." As stated above in support of claim 1, the Jago et al. reference fails to teach, suggest or disclose any sense of composing a *service request* on a *field service unit*. As such, the Jago et al. reference fails to anticipate claim 16. Applicants also contend that dependent claims 17-22 are patentably distinct by way of their dependency from independent claim 16 and by way of further unique features recited in each respective claim. Thus,